

SCOTT'S RULINGS

On Requests for Interpretations of War Revenue Act.

OVER A HUNDRED GIVEN OUT

SINCE THE ACT BECAME EFFECTIVE JULY FIRST-A FEW OF THEM WERE BROUGHT OUT THROUGH INQUIRIES FROM THIS CITY-EVERY BUSINESS MAN OUGHT TO HAVE THIS COMPILATION OF DECISIONS IN A CONVENIENT PIGION-HOLE.

Since the federal revenue law became effective on July 1st, Commissioner of Internal Revenue N. B. Scott has been very busy announcing decisions as a result of many thousands of requests for interpretations of provisions of the act, and Wheeling people contributed a few of these applications for official knowledge. The commissioner has compiled these decisions, and they have been sent to collectors of internal revenue throughout the country. The Intelligence, appreciating the fact that probably more than every other person in the community is interested in these decisions, prints the circular in full this morning, as follows:

1. Checks drawn by United States disbursing officers against public funds standing to their official credit in performance of duties required by law do not require a 2-cent internal revenue stamp. The stamp is required on checks drawn by officers of states, counties, and municipalities for the discharge of the obligations of states, counties and municipalities are exempt under section 17 of the act.

2. No stamp is required on ordinary receipts.

3. The exemption from tax on warehouse receipts for agricultural products is restricted to receipts for products of the actual grower thereof in the regular course of trade for sale. This does not exempt warehouse receipts for such products in case the property deposited has been transferred from the ownership of the actual grower.

4. An inland bill of exchange, within the meaning of this act, is a bill of exchange drawn and made payable anywhere in the United States.

5. Any order for payment of money drawn in, but payable out of the United States, if drawn singly, is subject to tax of 4 cents for \$100 or less, and for each additional hundred dollars or fraction, 4 cents.

6. Where certificates of shares were sold and delivered before July 1, 1898, entry of transfer on corporate books after that date does not require a stamp.

7. New certificates of stock issued to holder in lieu of original certificates, and remaining in his ownership, do not require stamps.

8. When certificates of stock are sold and stamp tax is paid on memorandum thereof, upon transfer of this certificate to purchaser's name, no additional tax for such transfer is required. Where one certificate represents several shares of stock (however in large the number of shares), on transfer of this certificate the stamp tax is to be reckoned on its face value of such separate share of stock.

9. A stamp is required on an order for cash drawn on a merchant by one of his customers.

10. Certificates of deposit drawing interest, if left a certain number of days, are taxable as promissory notes.

11. The withdrawal of funds by a depositor on the presentation of his bank book to the savings bank, does not require a stamp, if there is nothing on the book to place in the form of an order for the payment of money.

12. If papers in the nature of receipts are given in lieu of checks, and are used as commercial negotiable instruments, and are subject to tax.

13. Where certificates of stock are delivered as collateral, the stock to be forfeited only upon condition of the certificate, which is pledged, a stamp is required as a pledge and not as a sale.

14. Real estate mortgage notes require to be stamped, in addition to the stamp placed on the mortgage.

15. Where there is a pledge of property accompanying any promissory note, which pledge is subject to stamp tax under Schedule A, this stamp tax is not required on the fact that a stamp is also required on the note connected with it.

16. Only purely co-operatively or mutual life insurance companies carried on by members, and for the benefit of the members, are exempt from taxation.

17. Assessment beneficiary life insurance associations insuring their own members, and in which the benefit comes within the exemption provision.

18. The exemption given to fraternal beneficiary life insurance associations applies also to fraternal beneficiary associations of other character.

19. In cases of loans on real estate, where promissory notes are given, which are not paid at maturity, but on which an extension of time of payment is granted, the stamp tax is not required on the note, if it is held that every such extension is a renewal of the note within the meaning of the statute, and that the requisite stamp must be placed on the extension. This also applies to notes discounted before July 1, falling due on or after that date.

20. The person who signs and issues a bank check, without annexing to the stamp, becomes involved in liability to penalties under section 19 of the act, unless it is shown that he had no design to evade the payment of the stamp tax, and that the requisite stamp was placed on the check by the holder or person upon whom it was drawn, before payment.

21. Where a check is presented at a bank, without having the requisite stamp affixed, the bank, if it pays such unstamped check, becomes liable to the penalty provided by section 19 of the act. Bank may cure defect by affixing proper stamp.

22. Checks, shop propellers giving memorandum of transactions are required to pay special tax as brokers.

23. Where a tax of 10 cents is paid on the bill of lading for goods exported or imported, no stamp tax is required to be paid on copies of such bills of lading.

24. On inland bills of lading, "each duplicate" requires "a stamp of the value of one cent."

with a horse and wagon, who does a local delivery business to a city or town, is not included within the above requirements. The carrier, who is engaged to be included within the terms of Schedule A, under the head of "Express and Freight," are such as are engaged in the transportation of express matter and freight from one place to another in the ordinary course of commerce, and trade.

25. Tickets issued in the United States for passage on a vessel not sailing from any port of the United States, but from a Canadian port (or other foreign port) are not subject to stamp tax.

Tickets issued in Canada for passage on a vessel sailing from a United States port, are not subject to stamp tax.

The only passage tickets for which stamp tax is required to be paid by this statute is a ticket issued for transportation of the passenger "by any vessel of a port in the United States to a foreign port." When, therefore, no such passage ticket there is attached another ticket entitling the passenger, after his arrival at the foreign port, to transportation to various points in Europe, or elsewhere, such additional ticket is not subject to stamp tax.

The stamp tax for a passenger ticket may be affixed thereto and cancelled at the time and place where it is issued, or it may be affixed and cancelled at the pier before the passenger boards the vessel.

Where one passenger ticket is issued, even though it contains several names, but one stamp tax is required to be paid thereon.

26. There is no exemption from the stamp tax on charity tickets issued at low rates.

27. Barges are not included in the term "vessel" in the paragraph relating to charter party.

28. The manifest for custom house entry or clearance of the cargo of any ship or vessel, or steamer for a foreign port does not include ship's supplies for its voyage. It only includes those things which the ship has taken aboard for transportation.

29. Stamp duties imposed on manifests bills of lading, and passage tickets do not apply to steamships or other vessels plying between the ports of the United States and ports of British North America.

30. A telegraphic dispatch or message is required to be stamped by the person who makes, signs, or issues it.

31. There is no tax upon the bill of sale of a vessel. A mortgage of a vessel requires a stamp as a mortgage of personal property.

32. Dray receipt given at export steamer's wharf does not require a stamp in addition to bills of lading which are stamped. Shipping receipts given by common carriers of freight for goods to be transported to port of export require stamp.

33. Where a bond is given with a guaranty company as surety, the bond should be in addition to a 50-cent stamp, as required under the head of "Bonds," in Schedule A, a stamp denoting one-half of 1 cent on each dollar or fractional part thereof paid by the principal obligor of the bond or premium, under that paragraph of Schedule A relating to guaranty companies. (United States officers required to give bond will take notice.)

34. Bonds "required in legal proceedings" are exempt from stamp tax. They are such as are required in litigation in either civil or criminal cases such as protection bonds, injunction bonds, bonds to stay proceedings on appeal, writs of error, bonds for costs and the like; and in criminal cases, recognizances, bonds for appearance, bail bonds, and also bonds in criminal cases upon appeal and writs of error, superior courts, etc. Bonds given by persons appointed by the court, conditioned for the faithful performance of the duties of their office or position, such as sheriffs, coroners, judges, administrators, and guardians are not exempt, and the stamp tax must be paid thereon.

35. Tickets, which are on the face thereof a memorandum of money due (e.g., John Doe, June 22, 1898, \$15.00), and do not contain any language making them checks or orders for the payment of money or promissory notes, are not subject to stamp tax, if they are not subject to the stamp tax as checks.

36. The exemption granted to co-operative building and loan associations, etc., is confined to the stock and bonds issued by such associations, and not to other securities, and, therefore, does not relieve them from other stamp taxes.

37. "Certificates of any description required by law not otherwise specified in this act, to be stamped." The stamp is not necessary to subject any given certificate thus generally described to tax is that it shall be one which is required to be given by law, national, state, or municipal. All such are the exception of section 17, that is to say: those which are given strictly in the exercise of the functions—governmental, taxing, or municipal—of the state or corporation. Certificates given by an officer, not for a public or governmental purpose, but for private interests and use, are liable to the tax if they are given in obedience to any law which requires them to be given, or which calls for them.

A certificate of search showing that the docket or records of a court have been searched, and show either that liens are placed on the property, or that judgments are recorded or are not recorded, and also certificates of search to ascertain whether or not titles are good, whether taxes have been paid, and other certificates of a similar character, are such as are required in the general discharge of governmental functions on the part of the officers giving them.

38. The exemption from stamp tax on the part of the officers giving them.

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them, but are such as are needed for private use and private interests, and are, therefore, subject to the tax, as being required by law to be given when called for.

If the act performed, or the certificate issued by the officer is in the discharge of an official function necessary in operating the general machinery of the government, it is exempt.

42. Certificates of acknowledgment of deeds and mortgages are not required to be stamped. The memorandum on the back of a deed or mortgage, made by the register or recorder, that the instrument has been placed upon record, is not a subject of taxation. It is not a certificate such as is contemplated by the law. It is a brief note on the back of the deed or mortgage of the date of filing and date and place of record.

43. Certificates of birth, marriage, and death, given in pursuance of the laws of the state requiring the collection and registration of vital statistics as a basis for the administration of public health laws, come within the exemption of section 17. Such certificates, however, when issued to private persons for private use, are subject to the 10-cent stamp tax.

44. The ordinary notary's jurat is not required to be stamped.

45. A policy does not require a stamp until it is issued, or is offered as an insurance policy, and an insurance company can stamp a policy through its local agents as well as through its general agent.

Any agent of the company who is charged with the duty of delivering the policy to the policy holder and receiving the premium, would be authorized to affix and cancel the stamp in behalf of the company.

46. A stamp must be attached to premium notes as well as to policies.

47. Deeds signed, acknowledged, and fully executed in one day do not require a stamp, though delivered in July, unless, by state law, registration is necessary to pass title.

48. As to mortgages, it is the general principle that a mortgage is not valid as such until it is admitted to record. A mortgage, no matter what the date, should not be admitted to registration when presented on or after July 1, 1898, unless there is attached and canceled the proper revenue stamp.

49. In cases where the consideration in a deed is nominal, the actual value of the property conveyed should govern the amount of the stamp required.

50. Original, lease requires a stamp. No stamp is required on copy executed by the parties at the time of the original lease.

51. If live stock is sold at an exchange or board of trade, or other similar place, the sale, agreement of sale, or agreement to sell must be evidenced by a bill, memorandum, or agreement to be delivered by the seller to the buyer, and the agreement should have the stamp affixed as required in the act, viz: One cent on a \$100, and on each \$100 or fraction thereof, of additional 1 cent.

52. Where telephone companies have the use of land lines, the return may be made to the collector of that district in which the principal business office of the company is located.

53. Contracts and agreements between subscribers and telephone companies for the placing of a telephone, and payment therefor, are not subject to stamp tax.

54. Power of attorney executed in connection with transfer of shares required to be stamped in addition to the tax on transfer of stock.

55. A 10-cent stamp is sufficient upon a proxy for use in voting at an election of officers of an incorporated company, without regard to the number of signatures.

56. Revenue stamps are not required on the reports of earnings and dividends, and reports of condition made to the comptroller of the currency by national banks.

57. The list of shareholders required by Section 30 of the Revised Statutes, to be forwarded to the comptroller of the currency requires no stamp tax. The paper is not a certificate, but a list.

58. A stamp is not required on returns of national banks, or on returns of national banks annually to the United States treasurer.

59. In regard to the cancellation of internal revenue adhesive stamps, which are cancelled by writing or by rubbing the initials of the persons using the same, and the date upon which the stamp shall be attached or used, it is held that the initials and the date alone will be by writing or imprinting with a hand stamp.

60. Old stamps issued under repealed acts can not be used in lieu of stamps required by the present law.

61. Interest in the heavy-weight pugilists has increased since Kite McCoy, the Hoosier phenomenon, and James J. Corbett, ex-champion of the world, signed to fight before the Hawthorne Athletic Club at Buffalo, September 10.

The matchings of these two heavyweights in the greatest exhibition of scientific boxing ever seen in this country. One would evidently think that there will be a great difference in the weights, but Corbett says he will weigh at 175 pounds and McCoy says 170 is his limit. The measurements of the pair are as follows:

CORBETT. Height.....5 ft. 10 in. Weight.....175 lbs. Reach.....75 inches. Chest.....38 inches. Wrist.....16 inches. Forearm.....16 inches. Hand.....10 inches. Foot.....10 inches. Arm.....34 inches. Leg.....34 inches. Waist.....34 inches. Neck.....14 inches. Thigh.....18 inches. Calf.....14 inches. Heel.....14 inches.

McCoy. Height.....5 ft. 10 in. Weight.....175 lbs. Reach.....75 inches. Chest.....38 inches. Wrist.....16 inches. Forearm.....16 inches. Hand.....10 inches. Foot.....10 inches. Arm.....34 inches. Leg.....34 inches. Waist.....34 inches. Neck.....14 inches. Thigh.....18 inches. Calf.....14 inches. Heel.....14 inches.

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NATIONAL LEAGUE

	Won.	Lost.	Pct.
Cincinnati	10	1	.909
Boston	9	2	.818
Cleveland	8	3	.727
Baltimore	7	4	.636
Chicago	6	5	.545
New York	5	6	.455
Pittsburgh	4	7	.364
Philadelphia	3	8	.273
Brooklyn	2	9	.182
Washington	1	10	.091
Louisville	0	11	.000
St. Louis	0	12	.000

YESTERDAY'S GAMES

Cincinnati 6, Washington 1.
Philadelphia 7, Chicago 5.
Boston 4, St. Louis 2.
New York 1, Pittsburgh 0.
Baltimore 7, Cleveland 5.

TO-DAY'S GAMES

Cincinnati at Pittsburgh.
Boston at Brooklyn.
Chicago at Philadelphia.
Washington at Baltimore.

NEW YORK, July 22.—In a pitcher's battle, lasting thirty innings, New York's Walter Johnson, of the Senators, defeated the Red Sox's pitcher, Rube Foster, 1-0. Johnson pitched a perfect game, allowing only one hit, a single by Foster in the third inning. Johnson's record is now 12-0.

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AYER'S AGUE CURE

you can shake the Ague by using AYER'S AGUE CURE. It is the one certain and infallible cure for that depleting disease. It has been tried in many countries and under various conditions, and has never been known to fail. An old veteran writes:—

"You may be interested to know my experience many